

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**October 17, 2000**

DIVISION ONE

B136253     People  
              v.  
              Zelenika

Filed order denying petition for rehearing.

DIVISION TWO

B130851     Novakovic                                 (Not for Publication)  
              v.  
              Herzog

The judgment is reversed with directions to the superior court to enter judgment in favor of Herzog. Herzog is to recover his costs on appeal.

Todd, J.

We concur:    Boren, P.J.  
                      Cooper, J.

B137240     People     (Not for Publication)  
              v.  
              Olson

The case is remanded for resentencing in accordance with this opinion; in all other respects, the judgment is affirmed.

Todd, J.

We concur:    Boren, P.J.  
                      Cooper, J.

October 17, 2000-Continued

## DIVISION TWO (Continued)

B134800 Cook (Not for Publication)  
v.  
California Fair Plan Association et al.

The trial court's order denying the motion is affirmed.

Todd, J.

We concur:   Nott, Acting P.J.  
                      Cooper, J.

B141231 DeFlores et al. (Not for Publication)  
v.  
Fine et al.

The appeal is dismissed for lack of jurisdiction and the writ of supersedeas is discharged. Each side is to bear their own costs on appeal.

Todd, J.

We concur:   Nott, Acting P.J.  
                  Cooper, J.

B134053 People (Not for Publication)  
v.  
Carr

The judgment is affirmed.

Todd, J.

We concur:   Nott, Acting P.J.  
                      Cooper, J.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Aldrich, J., Perluss, J. (Assigned) and M. Gavinski,  
Deputy Clerk.

Each of the following:

B140993 People v. Steven R.  
B139912 People v. Henderson  
B135027 People v. Farmer  
B135255 People v. McVay  
B137989 People v. Abdullah  
B137916 People v. Hill  
B132556 People v. Douglas  
B139248 People v. Hardin

Argument waived, cause submitted.

B133052     Nadia Venesse  
               v.  
               Charles Matthau

Merits:

Argued waived by A. Edward Ezor for appellant and by Joseph F. Hart for  
respondents. Cause submitted.

B134267     James C. Sims  
               v.  
               Fred M. Charness

Merits:

Argued by Fred M. Charness, appellant in propria persona, and by James C.  
Sims, respondent in propria persona. Cause submitted.

DIVISION THREE (Continued)

B133574     People  
              v.  
              Christopher Von Papaz

Merits:  
Argued by Ginger R. Kelly and Andrea Taylor Gee for appellant and by Susan S. Kim, deputy attorney general, for respondent. Cause submitted.

B134479     People  
              v.  
              David R. Luera

Merits:  
Argued by Thomas Hunter Russell for appellant and by Theresa A. Cochrane, deputy attorney general, for respondent. Cause submitted.

B138670     People  
              v.  
              Jose a. Huerta

Merits:  
Argued by R. Timothy O'Connor for appellant and by Peggie B. Tarwater, deputy attorney general, for respondent. Cause submitted.

B131616     People  
              v.  
              Dashawn L. Bateman

Merits:  
Argued by Philip Deitch for appellant and by Kenneth N. Sokoler, deputy attorney general, for respondent. Cause submitted.

DIVISION THREE (Continued)

B137947     Meredith S. Hale  
              v.  
              Southern California IPA Medical Group, Inc., et al.

Merits:  
Argued by Stephen A. Jamieson and Elissa D. Miller for respondents and  
by Gary D. Stabile for appellant. Cause submitted.

B130905     Jill Shively  
              v.  
              Joseph Bosco et al.

Merits:  
Argued by Cindy S. Lee, deputy county counsel, for respondent and by  
Gregory Hill for appellant. Cause submitted.

B133983     Jill Shively  
              v.  
              Joseph Bosco et al.

Merits:  
Argued by Gregory Hill for appellant and by no appearance for  
respondents. Cause submitted.

B143088     City of Los Angeles  
              v.  
              Superior Court, Los Angeles County  
              (Jeremy Brandon, r.p.i.)

Merits:  
Argued by Julie S. Raffish, deputy city attorney, for petitioner, by Richard  
Leonard for real party in interest and by Mark Harvis for amicus curiae.  
Cause submitted.

Court recessed.

DIVISION THREE (Continued)

Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Aldrich, J. and M. Gavinski, Deputy Clerk.

Each of the following:

B139391 People v. Roland  
B136843 People v. Pacheco  
B140596 People v. Williams  
B137251 People v. Smith  
B139683 People v. Wilson  
B140050 People v. Pedraza  
B137980 People v. Moore  
B132893 People v. Phillips  
B137797 People v. Cox

Argument waived, cause submitted.

B133557     Norris J. Bishton  
              v.  
              Diamond Bar Motor Sales, Inc.

Merits:

Argued by Carolyn J. Shields for appellants and by Jeffrey S. Grubernick for respondent. Cause submitted.

B137721     Phylis Weatherspoon  
              v.  
              H. Stanley Jones et al.

Merits:

Argued by Phylis Weatherspoon, appellant in propria persona, and by Thomas J. Griffin for respondents. Cause submitted.

DIVISION THREE (Continued)

B130714     People  
              v.  
              Kenneth Stewart et al.

Merits:

Argued by Phillip I. Bronson for appellant Stewart, by Gregory L. Rickard for appellant Wright and by Richard T. Breen, deputy attorney general, for respondent. Cause submitted.

B137463     Robert J. Landry  
              v.  
              William Gibbens et al.

Merits:

Argued by Valerie J. Gilpeer for respondents and by Stuart Esner for appellant. Cause submitted.

B138343     American Continental Insurance Company  
              v.  
              American Casualty Company et al.

Merits:

Argued by Douglas A. Geer for appellant and by Alec M. Barinholtz for respondents. Cause submitted.

B137469     County of Los Angeles  
              v.  
              American Surety Insurance Company et al.

Merits:

Argument waived for respondent and no appearance for appellants. Cause submitted.

Court adjourned at 3:30 P.M.

### DIVISION THREE (Continued)

B129808      Holmes  
v.  
Jones

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

## DIVISION FIVE

B137770 Yvonne G. Sartiaguda, as Former Trustee, etc. (Not for Publication)  
v.  
Monique Guerrero Moore et al.

The orders under review are affirmed. Respondents, Monique Moore, Yvette Guerrero, Aida Guerrero, Bernadette Sperry, Rosanne Aspel, Andre Guerrero, and Celese Dodson, are to recover their costs on appeal from the former trustee, Yvonne G. Sartiaguda.

Turner, P.J.

We concur:    Armstrong, J.  
                          Godoy Perez, J.

B138855 People (Not for Publication)  
v.  
Underwood

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.  
Armstrong, J.



October 17, 2000-Continued

## DIVISION FIVE (Continued)

B139422 People v. Sotelo (Not for Publication)

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The judgment is affirmed.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                          Godoy Perez, J.

B140694 People (Not for Publication)  
v.  
Sterling

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.  
Godoy Perez, J.

B135122      Chaturvedi      (Not for Publication)  
v.  
Vasile

The judgment is affirmed. Plaintiff, Archana Chaturvedi, is to recover her costs on appeal from defendant, Charles W. Vasile.

Turner, P.J.

We concur:   Armstrong, J.  
                      Godoy Perez, J.

## DIVISION FIVE (Continued)

B140273 Medina (Not for Publication)

V.

State Farm Mutual Automobile Insurance Company

The order dismissing the petition to compel arbitration is affirmed. Defendant, State Farm Mutual Automobile Insurance Company, is to recover its costs on appeal from plaintiff, Nelson Medina.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B133824 FM Rocks, Inc. (Not for Publication)

V.

HSI Productions, Inc., et al.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.  
Godoy Perez, J.

B139172 People (Not for Publication)

V.

Ronald William Rudloff

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                      Grignon, J.

October 17, 2000-Continued

## DIVISION FIVE (Continued)

B138526      People                      (Not for Publication)  
v.  
Barbee

The judgment is affirmed.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Grignon, J.

B138767 People (Not for Publication)  
v.  
Scott

The judgment is affirmed.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B131683      McAllister      (Not for Publication)  
v.  
Southern California Gas Company et al.

The judgment is affirmed. Respondents to recover their costs on appeal.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

DIVISION FIVE (Continued)

B138961      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Omer T.

The appeal is dismissed.

Godoy Perez, J.

We concur:   Turner, P.J.  
                 Grignon, J.

B132736      Juanito S. Hilario      (Not for Publication)  
                 v.  
                 Reynaldo S. Roxas

The judgment is affirmed. Respondents to recover their costs on appeal.

Godoy Perez, J.

We concur:   Turner, P.J.  
                 Grignon, J.

DIVISION SIX

B139810      Walker      (Not for Publication)  
                 v.  
                 California Unemployment Insurance Appeals Board

The judgment is affirmed. Costs are awarded to respondent.

Yegan, J.

We concur:   Gilbert, P.J.  
                 Perren, J.

October 17, 2000-Continued

## DIVISION SIX (Continued)

B139710      People                                  (Not for Publication)  
v.  
Nobel Insurance Company

The order is affirmed. Respondent is awarded costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B138719      Oroamerica, Inc.      (Not for Publication)  
v.  
Ofrat

The order dismissing this action is reversed. The case is remanded to the trial court with directions to enter instead an order staying the action under section 410.30 on the grounds of forum non conveniens. The parties shall bear their own costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

[illegible]

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

## DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B137283 People (Not for Publication)  
v.  
Anderson

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

October 17, 2000-Continued

## DIVISION SIX (Continued)

B131175 People (Not for Publication)  
v.  
Mendoza

Mendoza's conviction for petty theft is reversed. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Coffee, J.

B135291 People (Not for Publication)  
v.  
Stevenson

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

B123061      Hunt et al.                  (Not for Publication)  
v.  
Young et al.

The judgment is affirmed. Appellants shall bear costs on appeal.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

DIVISION SEVEN

B137842     People  
              v.  
              Jorge M.

Filed order modifying opinion. (No change in the judgment)

B138299     California State Employees Association et al.     (Not for Publication)  
              v.  
              Public Employment Relations Board  
              (Employment Development Department, r.p.i.)

The writ of review is granted and PERB Decision No. 1365-S is modified in the following respects:

1. The decision is modified by adding thereto a finding the allegation the state threatened to interfere with protected rights under the Dills Act by prohibiting future unity breaks and related activities in nonwork areas during nonwork time is sustained and the Haygood memorandum, to the extent it prohibits such activities “during state time or inside the building” in which an EDD office is located, is disapproved.
2. The “order” at page 12 of the decision is modified to state the unfair practice charge is sustained insofar as it alleges the state threatened to interfere with protected rights under the Dills Act by prohibiting future breaks and related activities in nonwork areas during nonwork time and that the remaining charges are dismissed without leave to amend.

The cause is remanded to the Public Employment Relations Board for such further relief as the Board deems appropriate consistent with the views expressed in this opinion.

In all other respects the decision is affirmed. Petitioner to recover its costs.

Johnson, J.

We concur: Lillie, P.J.  
              Neal, J.



October 17, 2000-Continued

## DIVISION SEVEN (Continued)

B140774 People v. Alvarez (Not for Publication)

The judgment is affirmed.

Johnson, J.

We concur:   Lillie, P.J.  
                      Neal, J.